Case 2:06-cv-00104-RHB-TPG Document 1 Filed 04/13/2006 Page 1 of 5

UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF MICHEGAN

CO 198 13 ATTO: 02

LINITED STATES

**.** 

CHRIS HENSON, Et. Al., DEFENDANT. CRIMINAL COMPLAINT No. 2:06CV-104

Robert Holmes Bell
Chief, U.S. District Judge
Timothy P. Greeley
U.S. Magistrate Judge

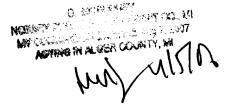
I the undersioned Complainant being duly Swern, deposes and States the Following is true and Correct to the best of my knowledge and belief. On October 20,2005, a Set of Events Started and defendants Henson, winnicki, mc Brown Brown and Theut Conspired to deprive and did deprive Complainant of constitutionally protected Rights under Color of law, by impeding access to the Courts, retaliation, deliberate indifference and violation of due process, in violation of the First and fourteenth Amendment of the United States constitution and Title 18 U.S.C.A. 9 241 and 242. I Further State that I am an incarcerated Citizen and this Complaint is based on the Following Facts:

Complaint States as Followes in the Attached Affidavit and made apart hereof:

DATE: 4/5/06

Signature: Lodguid S. Rooth

NOTARY:



## Case 2:06-cv-00104-RHB-TPG Document 1 Filed 04/13/2006 Page 2 of 5 UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN

UNITED STATES,
Plaintiff,

٧.

CRIMINAL COMPLAINT

CHRIS HENSON, Et. Al., DEFENDANTS.

## AFFIDAVIT IN SuPPORT OF CRIMINAL COMPLAINT

I , RodgeRick SEAN Booth, FIRST bEING SWORN, DEPOSES AND STALES:

- I. I Am the Above Named ComplaiNANT AND I WAS INCARCERATED AT Chippewa Correctional Facility at All time Relevant to this complaint.
- 2. DEFENDANT CHRIS HENSON, IS Employed At the Chip-PEWA CORR. FAC., 4269 WEST m-80, KINCHELDE, MICH. 49784, AS A LIBRARIAN.
- 3. DEFENDANT AMANDA WINNICKI, IS Employed At the Chippewa Corr. FAC., 4269 WEST M-80, Kincheloe, Mich. 49784, AS the Library MANAGER.
  - 4. DEFENDANT GREGORY MCBUIGGIN, IS Employed At the Chippewa CORR. FAC., 4269 WEST M-80, KINCLE LOE, MICH. 49784, AS A DEPUTY WARDEN.

- 5. DEFENDANT BROWN, IS Employed At the Chippewa CORR. FAC, 4269 WEST m-80, KINCHELDE, MICH. 49784, AS A SUPERVISORY OFFICER (SERGEANT).
  - 6. DEFENDANT THEUT, IS EMPloyED by the M.D.O.C.'S HEARINGS DIVISION AS A HEARINGS OFFICER AND HIS PLACE OF BUSINESS IS CHIPPEWA CORR FACI, 4269 WEST M-80, KINCHELDE, MICH. 49784.
    - 7. All defendants have acted and continue to act under color of State law.
    - 8. Upon my personal knowledge on october 20, 2005, in the western District of michigan, defendant Henson Set in motion a chain of events that Resulted in the violations of plaintiff's Rights by all named defendants.
    - 9. AS Explained in this Affidavit and Attached Exhibits the defendants did conspire to deprive and did deprive complainant of his constitutionally protected Rights under Color of law.
    - 10. ON OCHOBER 20, 2005, defendant HENSON deprived Complainant OF ACCESS to the Courts while plaintiff had Civil litigations pending in the Federal Courts, by Sending Complainant back to his unit after only one hour of law library because Complaint needed to use the Restroom. See attached exhibit A.
    - 11. ON OCTOBER 26,2005, defendant winnicki Re-Viewed Complainant on the GREVANCE he had written

CONCERNING the VIOLATIONS OF DEFENDANT HENSON AND UPHELD DEFENDANT HENSON'S CONDUCT. SEE AHACKED EX-

- 12. ON OCTOBER 27, 2005, defendant HENSON SENT Complainant to his Unit AGAIN AND he was Not Allowed to complete his Research Concerning his Civil Action. SEE AHACHED Exhibits A + C.
  - 13. ON NOVEMBER 23,2005, defendant mcQutGGin Reviewed Complainant's Step-II Grievance appeal Concerning the violations of his rights by defendant HENSON and defendant mcQuiGGin upheld defendant's Actions.
    - 14. ON DECEmber 15, 2005, defendant Henson Retaliated against Complainant by Fabricating a major misconduct Against Complainant.
    - 15. Complainant was Reviewed on the Fabricated misconduct by defendant Brown and Even in light on the defining Element of intent being absent From the misconduct, defendant Brown Revoked Complainant's bond and placed Complainant in Segregation Although the misconduct Clearly States Top lock Status.
    - 16. Complainant had attended law library Call-OUT FOR APPROXIMATELY NINE MONTHS WITH NO PROBLEMS PRYOR to Filing A GRIEVANCE AGAINST DEFENDANT CITING he would SEEK Civil action.

- 17. ON DECEMBER 20,2005, deFendant Theut Found Complainant Guilty of the Fabricated misconduct with clear knowledge that the misconduct did not pos-SESS the defining Element of intent.
  - 18. ON JANUARY 9, 2006, dEFENDENT THENT FOUND COMPLAINT GUILTY OF ANOTHER FABRICATED MISCONDUCT WRITTEN BY DEFENDENT HENSON IN RELALIATION.
    - 19. The Alleged misconduct alleged that Complain-ANT GAVE FORGED documents to AN Unidentified person ON AN Unidentified date and time.
      - 20. DEFENDANT THEUT FOUND COMPLAINTANT Guilty
        OF the FAlsified FORGERY misconduct with the knowledge
        that the Person the Alleged document was given to
        was not identified and there was no date or time
        of the Alleged violation identified in the misconduct.

I declare under penalty of perdury pursuant to 28 U.S.C. A. 8 1746, that the before mentioned is true.

WHEREFORE, I DRAY that A WARRANT ISSUE FOR the ARREST OF All Said defendants.

DATE: 4/5/06

Signature: Bodgerick Booth

NOTARY:

WESTERN DISTRICT OF MICHIGAN